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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,986

Applicant(s)

LUNSFORD ET AL.

Examiner

Hussein A. El-chanti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to RCE received on Jan. 27, 2006. Claims 1-6, 11-15, 17-19, 21 and 23 were amended. Claims 1-23 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9, 11 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Multer et al., U.S. Patent No. 6,671,757 (referred to hereafter as Multer).

As to claims 1 and 21, Multer teaches a method for personal profile detection and computer readable medium comprising the steps of:

a) accepting profile data on a first PORTABLE COMPUTER SYSTEM wherein said profile data is customizable by a user of said PORTABLE COMPUTER SYSTEM (see col. 3 lines 32-55 and col. 6 lines 31-57);

b) storing said profile data on said first PORTABLE COMPUTER SYSTEM (see col. 3 lines 32-55);

c) providing for an exchange of information between said first PORTABLE COMPUTER SYSTEM and a second device proximate with said first PORTABLE COMPUTER SYSTEM when shared interests exist between said profile data stored on

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said first PORTABLE COMPUTER SYSTEM and profile data stored on said second device that is associated with and customizable by a second user (see col. 3 lines 32-55 and col. 13 lines 51-col. 14 lines 7).

As to claim 2, Multer teaches the method of claim 1 wherein said step c) comprises providing for a user customizable exchange of information between said first PORTABLE COMPUTER SYSTEM and a second PORTABLE COMPUTER SYSTEM proximate with said first PORTABLE COMPUTER SYSTEM when shared interests exist between said profile data stored on said first PORTABLE COMPUTER SYSTEM and profile data stored on said second PORTABLE COMPUTER SYSTEM (see col. 3 lines 44-57).

As to claim 3, Multer teaches the method of Claim 1 wherein said step c) further comprises the step of:

c1) determining by said first PORTABLE COMPUTER SYSTEM shared interests existing between said profile data stored on said first PORTABLE COMPUTER SYSTEM and profile data stored on said second PORTABLE COMPUTER SYSTEM (see col. 3 lines 44-57).

As to claim 4, Multer teaches the method of Claim 3 wherein said step c1) comprises determining by said first PORTABLE COMPUTER SYSTEM shared interests existing between said profile data stored on said first PORTABLE COMPUTER SYSTEM and profile data stored on said second PORTABLE COMPUTER SYSTEM wherein said determining is user customizable (see col. 13 lines 51-col. 14 lines 7).

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As to claims 5 and 23, Multer teaches the method of Claims 1 and 21 wherein said step c) further comprises the steps of:

searching for and detecting by said first PORTABLE COMPUTER SYSTEM profile data keyword information transmitted from a second PORTABLE COMPUTER SYSTEM (see col. 23 and col. 3 lines 32-55);

determining by said first PORTABLE COMPUTER SYSTEM shared interests existing between said profile data stored on said first PORTABLE COMPUTER SYSTEM and profile data stored on said second PORTABLE COMPUTER SYSTEM (see col. 23 and col. 3 lines 32-55);

requesting by said first PORTABLE COMPUTER SYSTEM from said second PORTABLE COMPUTER SYSTEM data relevant to said shared interests (see col. 23 and col. 3 lines 32-55); and

receiving said relevant data from said second PORTABLE COMPUTER SYSTEM by said first PORTABLE COMPUTER SYSTEM (see col. 23 and col. 3 lines 32-55).

As to claim 6, Multer teaches the method of Claim 1 wherein said step c) further comprises the steps of:

transmitting by said first PORTABLE COMPUTER SYSTEM user pre-determined keyword information from said stored profile data of said first PORTABLE COMPUTER SYSTEM (see col. 23 and col. 3 lines 32-55);

receiving requests by said second PORTABLE COMPUTER SYSTEM for profile data relevant to said transmitted keyword information; and transmitting said relevant

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profile data to said second PORTABLE COMPUTER SYSTEM (see col. 23 and col. 3 lines 32-55).

As to claims 7 and 22, Multer teaches the method of Claims 1 and 21 further comprising the step of:

d) initiating an event on at least one of said first PORTABLE COMPUTER SYSTEM and said second PORTABLE COMPUTER SYSTEM when shared interests exist (see col. 3 lines 44-57).

As to claim 9, Multer teaches the method of Claim 7 wherein said step d) further comprises displaying relevant data from said second PORTABLE COMPUTER SYSTEM on a display of said first PORTABLE COMPUTER SYSTEM (see col. 39 lines 3-30).

As to claim 11, Multer teaches the method of Claim 1 wherein said PORTABLE COMPUTER SYSTEM's comprise handheld organizers (see fig. 9B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Peterson et al., U.S. Patent No. 6,594,682 (referred to hereafter as Peterson).

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As to claim 12, Multer teaches the method of claim 1 with a PORTABLE COMPUTER SYSTEM with wireless communications ability. Multer does not explicitly teach the claimed limitation "short range RF communication ability". However Peterson teaches a method of communication with a wireless portable device using short range RF signals (see col. 14 lines 1-10).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by implementing the short range RF capability because doing so would allow the portable device to communicate with network connected devices using a persistent connection.

As to claim 13, Multer teaches a personal profile detection (PORTABLE COMPUTER SYSTEM) device comprising:

- a) a data input component (see col. 3 lines 32-55 and col. 6 lines 31-57);
- b) means for accepting customizable profile data input by a user from said data input component, said means for accepting customizable profile data coupled to said data input component (see col. 3 lines 32-55 and col. 6 lines 31-57);
- c) a data storage component coupled to said means for accepting customizable profile data, said data storage component adapted to storing said customizable profile data (see col. 3 lines 32-55 and col. 6 lines 31-57); and
- d) a receiver coupled to said means for accepting customizable profile data, said RF communications receiver adapted to receive information from a proximate device (see col. 3 lines 32-55 and col. 6 lines 31-57).

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Multer teaches the method of claim 1 with a PORTABLE COMPUTER SYSTEM with wireless communications ability. Multer does not explicitly teach the claimed limitation "short range RF communication ability". However Peterson teaches a method of communication with a wireless portable device using short range RF signals (see col. 14 lines 1-10).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by implementing the short range RF capability because doing so would allow the portable device to communicate with network connected devices using a persistent connection.

As to claim 14, Multer teaches the PORTABLE COMPUTER SYSTEM of claim 13 comprises providing for a user customizable exchange of information between said first PORTABLE COMPUTER SYSTEM and a second PORTABLE COMPUTER SYSTEM proximate with said first PORTABLE COMPUTER SYSTEM when shared interests exist between said profile data stored on said first PORTABLE COMPUTER SYSTEM and profile data stored on said second PORTABLE COMPUTER SYSTEM (see col. 3 lines 44-57).

As to claim 15, Multer teaches the PORTABLE COMPUTER SYSTEM of claim 13 comprises exchange of information between said first PORTABLE COMPUTER SYSTEM and a second device proximate with said first PORTABLE COMPUTER SYSTEM when shared interests exist between said profile data stored on said first PORTABLE COMPUTER SYSTEM and profile data stored on said second device that

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is associated with and customizable by a second user (see col. 3 lines 32-55 and col. 13 lines 51-col. 14 lines 7).

As to claim 16, Multer teaches the PPD device of Claim 13 wherein said data storage component is selected from the group consisting of volatile memory, nonvolatile memory, solid-state memory, mass storage or other storage components (see col. 3).

As to claim 17, Multer teaches the PPD of claim 13 wherein said step comprises displaying relevant data from said second PORTABLE COMPUTER SYSTEM on a display of said first PORTABLE COMPUTER SYSTEM (see col. 39 lines 3-30).

As to claim 18, Multer teaches the PPD of claim 15 are adapted to:

searching for and detecting by said first PORTABLE COMPUTER SYSTEM profile data keyword information transmitted from a second PORTABLE COMPUTER SYSTEM (see col. 23 and col. 3 lines 32-55);

determining by said first PORTABLE COMPUTER SYSTEM shared interests existing between said profile data stored on said first PORTABLE COMPUTER SYSTEM and profile data stored on said second PORTABLE COMPUTER SYSTEM (see col. 23 and col. 3 lines 32-55) and accepting customizable personal profile data request from said proximate PORTABLE COMPUTER SYSTEM data relevant to said shared interest.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Khan et al., U.S. Patent No. 6,460,038 (referred to hereafter as Khan).

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Multer teaches the method of Claim 1 further comprising the step of initiating an event on at least one of said first PORTABLE COMPUTER SYSTEM and said second PORTABLE COMPUTER SYSTEM when shared interests exist (see col. 3).

Multer does not explicitly teach the limitation "sounding of an alarm on said first PORTABLE COMPUTER SYSTEM". However Khan teaches a method of sounding an alarm on a device according to a user profile (see col. 11 lines 10-33).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by incorporating an alarm as taught by Khan because doing so would allow the user to be notified whenever an update exists using a speaker and therefore notifying the user of an update without having a view of the device's display.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Peterson, in view of Khan et al., U.S. Patent No. 6,460,038 (referred to hereafter as Khan).

Multer teaches the PORTABLE COMPUTER SYSTEM of Claim 14 further comprising the step of initiating an event on at least one of said first PORTABLE COMPUTER SYSTEM and said second PORTABLE COMPUTER SYSTEM when shared interests exist (see col. 3).

Multer does not explicitly teach the limitation "sounding of an alarm on said first PORTABLE COMPUTER SYSTEM". However Khan teaches a method of sounding an alarm on a device according to a user profile (see col. 11 lines 10-33).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by incorporating an alarm as taught by Khan because doing so would allow the user to be notified whenever an update exists using a speaker and therefore notifying the user of an update without having a view of the device's display.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Rezvani et al., U.S. Patent No. 6,686,838 (referred to hereafter as Rezvani).

Multer teaches a method for accepting and storing a user profile and providing for an exchange of information between a first and second portable device (see the rejection of claim 1).

Multer do not explicitly teach the claimed limitation "providing for an exchange which incorporate the Bluetooth protocol". However Rezvani teaches a method of communication using a Bluetooth protocol (see col. 4 lines 18-55).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by incorporating a Bluetooth protocol as taught by Rezvani because doing so would allow the user to use short-range radio links between mobile computers, mobile phones, digital cameras, and other portable devices to exchange data between devices.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Peterson further in view of Rezvani et al., U.S. Patent No. 6,686,838 (referred to hereafter as Rezvani).

Multer teaches a method for accepting and storing a user profile and providing for an exchange of information between a first and second portable device (see the rejection of claim 12).

Multer do not explicitly teach the claimed limitation "providing for an exchange which incorporate the Bluetooth protocol". However Rezvani teaches a method of communication using a Bluetooth protocol (see col. 4 lines 18-55).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by incorporating a Bluetooth protocol as taught by Rezvani because doing so would allow the user to use short-range radio links between mobile computers, mobile phones, digital cameras, and other portable devices to exchange data between devices.

Response to Arguments

8. Applicant's arguments have been fully considered but are not persuasive. Applicant argues in substance that Multer does not disclose accepting personal profile data that are customizable by a user of the portable device.

In response, Multer teaches a method and system for synchronizing application by exchanging data from a first portable device to a second portable device. The data exchanged from and to the portable device are data that were added or created at the first mobile device; hence customizable by a user of the portable device (see col. 3 lines 32-55 and fig. 12). The data is sent from the first portable device to a second portable device either through a server or directly as shown in fig. 1-4. Examples of data being exchanged are contacts on a phone book, calendar events, etc... where each of these are data customizable by a user. Therefore Multer teaches accepting personal profile data that are customizable by a user of the portable device as claimed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

August 23, 2006


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